

STATE BOARD OF EDUCATION

STATE OF GEORGIA

TRACIE T.)
Appellant,)
v.) CASE NO. 1984-22
BIBB COUNTY BOARD OF EDUCATION,)
Appellee.)

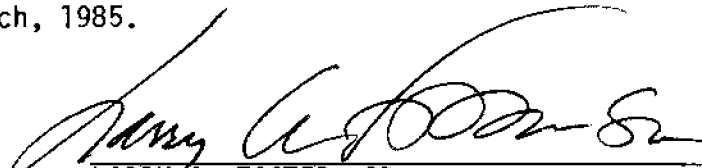
O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Bibb County Board of Education herein appealed from is hereby sustained.

This 14th day of March, 1985.


LARRY A. FOSTER, SR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

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| Appellant, |) | |
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| v. |) | CASE NO. 1984-22 |
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| EDUCATION, |) | |
| |) | |
| Appellee. |) | REPORT OF |
| |) | STATE HEARING OFFICER |

PART I

SUMMARY OF APPEAL

This is an appeal from a decision of the Bibb County Board of Education (hereinafter "Local Board") to expel Tracie T. (hereinafter "Student") from high school for being involved in a fight in which the Student cut another student with a razor. Appellant argues on appeal that the letter notifying the Student of the expulsion by the Local Board failed to provide findings of fact and failed to give reasons for the expulsion. Appellant further argues that she should have been allowed to attend the alternative school, that the Student was an exemplary student who was attacked without provocation, that the members of the Local Board did not read the transcript of the Evidentiary Hearing before the Student Evidentiary Hearing Committee and thus denied the Student due process of law, and that the Local Board rule concerning expulsion for the use of weapons on

campus is absolute and deprives students of their right to a full and fair hearing based on the merits of the individual case. The Local Board argues that there is evidence in the record to support the decision for expulsion and there is no showing of an abuse of discretion by the Local Board. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II

FACTUAL BACKGROUND

On October 9, 1984, the Student was involved in an altercation with another student. The Student was notified by letter from the principal of the high school that she was charged with violation of school rules prohibiting possession of an object that could be considered a weapon, causing bodily injury to another person on the school grounds. The letter alleged that the Student, on the above date, cut another student with a razor and stated that the principal was recommending expulsion for the remainder of the school year. The letter notified the Student that a hearing would be held by the Student Evidentiary Committee on October 23, 1984 and a copy of the Local Board's procedures for the Hearing Committee was attached.

The Hearing Committee met October 23, 1984 and heard the case with the Student being represented by counsel. The Student testified in the hearing that she was pushed several times by the other student before a fight between them broke out. She admitted she had a razor in her pocket, but that the razor

was from cosmetology class. She further admitted taking the razor out of her pocket and cutting the other student. The Hearing Committee recommended expulsion and the Student appealed to the Local Board and requested a transfer to the alternative school. The Local Board met November 15, 1984 and considered the appeal. Appellant was notified by letter dated November 16, 1984 that the Local Board had decided to follow the decision of the Hearing Committee and expel the Student.

PART III

DISCUSSION

Appellant argues on appeal that the punishment was too severe and that the Local Board denied the Student due process. The record is clear that Appellant was given a fair hearing and was well aware of the charges brought against her. A local board of education is not required to provide findings of fact or conclusions of law. See, Hicks v. Dougherty Co. Bd. of Ed., Case No. 1980-30; Wright v. Dodge Co. Bd. of Ed., Case No. 1978-4. Appellant's arguments that the Student should have been sent to the alternative school and that her character as an exemplary student should have kept her from getting expelled are arguments for leniency which do not present any grounds for reversal on appeal. The State Board of Education is required to sustain the decision of the Local Board if there is any evidence to support the decision of the Local Board, absent a clear showing of an abuse of discretion. A

decision to expel the Student rather than send the Student to the alternative school does not constitute an abuse of discretion. Likewise, a decision to expel the Student in spite of her past record of merit does not constitute an abuse of discretion.

The argument that the members of the Local Board did not read the transcript of the Evidentiary Hearing does not warrant a reversal for denial of due process as the Student did not deny the facts of the charges. It was never controverted that the Student used the razor to cut another student in a fight. The evidence does not reflect that the board members refused to give the Student a full and fair hearing and use their discretion in administering the expulsion. It merely reflects their decision after hearing the charges and arguments that expulsion was warranted.

PART IV

CONCLUSION

Based upon the foregoing discussion, the record submitted, and the briefs and arguments of counsel, the Hearing Officer is of the opinion that there is evidence in the record to support the decision of the Local Board and that the Local Board did not abuse its discretion by expelling the Student. The Hearing Officer, therefore, recommends that the decision of the Local Board be

SUSTAINED.



L. O. BUCKLAND
State Hearing Officer